

Fortner, Yvonne

From: Bogle, Michael
Sent: Friday, October 12, 2018 4:33 PM
To: Fortner, Yvonne
Subject: FW: Cedar Chemical Site, West Helena, Arkansas - 2012 104(e) Response
Attachments: Response to 104(e) - Signed - 121312.pdf

Michael Bogle

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From: Vaughan, Kevin J [<mailto:kevin.j.vaughan@exxonmobil.com>]
Sent: Tuesday, October 09, 2018 1:32 PM
To: Bogle, Michael
Cc: Carron, Chris M
Subject: Cedar Chemical Site, West Helena, Arkansas - 2012 104(e) Response

Michael,

You reached out to me to request whether Exxon Mobil Corporation would agree to remove the Confidential Business Designation of the response we submitted to EPA's 104(e) request of September 20, 2012. ExxonMobil responded to that request by a written response dated December 13, 2012. After review, we do not object to removing the Confidential Business Information designation.

For your convenience, I am attaching an electronic copy of our response. Please note that there are attachments referenced in the response that are not included here. Those are maintained offsite, but we have no objection to EPA providing them in response to any request you may make of them.

If you have any questions or concerns, please feel free to contact me.

Regards,

Kevin

Kevin J. Vaughan
Senior Counsel, Environmental & Safety

Exxon Mobil Corporation
22777 Springwoods Village Pkwy., N1.4A.481
Spring, TX 77389
Phone – 832-625-8251

This message may contain confidential or privileged information. It is intended for the use of the above-named individual(s). If you are not an intended recipient, any disclosure, distribution or use of the contents of this message is prohibited.



Mr. Lance Nixon, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Re: Cedar Chemical Corporation Superfund Site Information Request Directed to
ExxonMobil Chemical Company

Dear Mr. Nixon:

ExxonMobil Chemical Company ("ExxonMobil") has authorized ExxonMobil Environmental Services Company to provide this response to the CERCLA 104(e) information request (the "Request") received by ExxonMobil on or about October 4, 2012, regarding the Cedar Chemical Corporation Superfund Site (the "Site"). Once again, ExxonMobil appreciates your consideration in providing it with additional time to respond to the Request. ExxonMobil designates this response as business confidential information pursuant to 40 CFR Part 2.

Before turning to the Questions contained in the Request, ExxonMobil would like to state that it is interested in fully cooperating with the EPA regarding the Site. Despite the fact that ExxonMobil's only relationship with the Site was pursuant to a toll manufacturing agreement with the Site's owners, rather than being itself an owner-operator of the Site, since day one ExxonMobil has been very cooperative regarding the Site. ExxonMobil worked with the Arkansas Department of Environmental Quality ("ADEQ") pursuant to a voluntary Corrective Action Order ("CAO") for the Site. ExxonMobil met all of its obligations pursuant to the CAO, at a cost of well over \$1 million, and was subsequently released from the CAO. Among other things, a feasibility study has been completed and a buyer found to secure the Site.

As discussed further below in response to Question 7, during the process of working with the ADEQ, the state invited ten other companies to a site meeting as potentially responsible parties. To date, those ten companies (as well as any other potentially responsible parties) have not been asked to take any remedial actions with respect to the Site. In this response, ExxonMobil is providing information regarding what it knows about activities with respect to the Site during the period of its tolling agreement with the operator of the Site (1975-1978). As part of the CAO, however, ExxonMobil participated in securing documents at the Site. From this process, ExxonMobil has become aware that there is substantial information regarding the activities of other parties with respect to the Site. ExxonMobil stands willing and able to assist the EPA with finding such documents.

ExxonMobil now turns to the Questions presented in the Request.

Question 1: Please provide the full legal name, mailing address, and phone number of the Respondent.

Response: ExxonMobil Chemical Company
3225 Gallows Road, Room 3D0212
Fairfax, VA 22037
Phone: (703) 846-4416
Fax: (703) 846-5872

Question 2: For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.

Response: Michael A. Lamarre
Area Manager
ExxonMobil Environmental Services Company
3225 Gallows Road, Room 3D0212
Fairfax, VA 22037
Phone: (703) 846-4416
Fax: (703) 846-5872

The undersigned was assisted in preparing these responses by Kevin Vaughan, Exxon Mobil Corporation counsel, Chad Pekron of Quattlebaum, Grooms, Tull & Burrow, PLLC, outside counsel, and David Roberson of de maximis, inc.

Question 3: If the respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, and fax number.

Response: Kevin Vaughan
Exxon Mobil Corporation
3225 Gallows Road, Room 3D0212
Fairfax, VA 22037
Phone: (703) 846-4416
Fax: (703) 846-5872

Question 4: Please explain the business relationship between your company and Cedar Chemical Corporation.

Response: ExxonMobil does not and has never had a business relationship with Cedar Chemical Corporation. From 1975 to 1978, however, a subsidiary of ExxonMobil, Mobil Oil Corporation, d/b/a Mobil Chemical Company, had a toll manufacturing agreement with Eagle River Chemical Corporation and Vertac Incorporated, who owned and operated the Site prior to its acquisition by Cedar Chemical Corporation.

Question 5: Identify all transactions with the Site owners and/or operators of the Site that resulted in materials being sent to the Site by you for any purpose. Identify and provide all documents related to each transaction, including but not limited to invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:

- a. The type and purpose for the transaction;
- b. A description of the materials involved, including their quantity and chemical content and characteristics;
- c. Any amounts paid by you in connection with each transaction;
- d. The date of each transaction; and
- e. The date the materials were sent to the site.

Response: ExxonMobil objects to this Question to the extent it seeks to require ExxonMobil to produce documents that are not within its possession, custody, or control. Subject to and without waiving these objections, ExxonMobil states that it does not have documents related to individual transactions between Mobil Chemical Company and the owners and/or operators of the site, and must therefore respond to this question generally. With respect to subparts (a), (d), and (e), ExxonMobil states that from 1975 to 1978, Mobil Chemical Company sent certain materials to the Site pursuant to a toll manufacturing agreement with Eagle River Chemical Corporation and Vertac Incorporated. ExxonMobil further refers to the limited documents it has regarding the general nature of these transactions produced herewith as ExxonMobil 000001 to 000013.

With respect to subpart (b), ExxonMobil states that the purpose of the toll manufacturing agreement was to manufacture 2-nitro, 5-chloro methylbenzoate ("NBE") through a process involving the following materials: methyl meta chlorobenzoate ("CBE"), anhydrous ammonia, nitric acid, sulphuric acid, and ethylene dichloride ("EDC"). ExxonMobil does not have specific information about the amounts of each chemical utilized pursuant to the toll manufacturing agreement, but states that approximately five million pounds of NBE were manufactured at the Site pursuant to the agreement. ExxonMobil further refers to the limited documents it has regarding the NBE manufacturing process produced herewith as ExxonMobil 000014 to 001034. ExxonMobil has also identified other documents that relate generally to the use of EDC at the Site during the 1975 to 1978 time period and produces such documents herewith as ExxonMobil 001035 to 001093.

With respect to subpart (c), ExxonMobil states that it does not have documents identifying specific amounts paid for individual transactions, but states that its records indicate that during the course of the toll manufacturing agreement, Mobil Chemical Company paid Eagle River Chemical Corporation approximately \$2.85 million for the manufacture of NBE. For

further information regarding the costs of manufacture of NBE, ExxonMobil refers to the documents produced herewith as ExxonMobil 001094 to 001317.

Question 6: Provide a copy of the tolling agreement between your company and Cedar Chemical, including any restatements, amendments, or other documents. If there are any other tolling agreements, or joint operating agreements, with other companies, provide copies of such agreements.

Response: Exxon Mobil objects to this Question to the extent it seeks to require ExxonMobil to produce documents that do not relate to the Site. Subject to and without waiving these objections, ExxonMobil states that it does not and has never had a business relationship with Cedar Chemical Corporation. From 1975 to 1978, however, a subsidiary of ExxonMobil, Mobil Oil Corporation, d/b/a Mobil Chemical Company, had a toll manufacturing agreement with Eagle River Chemical Corporation and Vertac Incorporated, who owned and operated the Site prior to its acquisition by Cedar Chemical Corporation. A copy of the September 1, 1975 toll manufacturing agreement is produced herewith as ExxonMobil 001327 to 001342. Upon information and belief, this agreement was amended effective January 1, 1977; ExxonMobil, however, has been unable to locate an executed copy of the amendment. Drafts of the 1977 amendment and other documents related to the agreements between Mobil Chemical Company and the owners of the Site are produced herewith as ExxonMobil 001318 to 001543.

Question 7: Identify all persons, including you, who may have arranged to have the raw materials mixed at Cedar Chemical Inc. In addition identify the owner of the hazardous materials involved in each such arrangement.

Response: ExxonMobil objects to this question to the extent that purports to require ExxonMobil to provide information regarding transactions involving third-parties to which it or its predecessors were not a party. ExxonMobil therefore answers this question to the best of its information and belief but cannot ensure that this information is accurate and complete. Subject to and without waiving these objections, ExxonMobil states that it does not and has never had a business relationship with Cedar Chemical Corporation. From 1975 to 1978, however, a subsidiary of ExxonMobil, Mobil Oil Corporation, d/b/a Mobil Chemical Company, had a toll manufacturing agreement with Eagle River Chemical Corporation and Vertac Incorporated, who owned and operated the Site prior to its acquisition by Cedar Chemical Corporation. ExxonMobil further states that in June 2008, the ADEQ invited at least 10 companies to attend a meeting and site visit regarding the Site. According to the invitations issued by the ADEQ, the companies invited to attend were "BASF Corporation, Bayer CropScience, BP, Chevron Corporation, DuPont, FMC Corporation, Goodrich Corporation, Rhodia, Rohm & Haas, Sygenta." (ExxonMobil 001544 to 001567.) Upon information and belief, some or all of these parties may have arranged to have materials mixed at the Site.

Question 8: If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

Response: The toll manufacturing agreement between Mobil Chemical Company and the owners of the Site expired in 1978, more than 34 years ago. Some documents may simply have been lost due to the passage of time. Furthermore, Mobil Chemical Company sold its Mt. Pleasant, Tennessee facility to Rhone Poulenc more than 30 years ago. The Mobil Chemical Company employees most heavily involved with the toll manufacturing agreement were at the time based out of the Mt. Pleasant facility. While ExxonMobil has made efforts to retrieve documents from the Mt. Pleasant facility that are relevant to the Site, due to the passage of time it cannot guarantee that it has recovered all such documents. Upon information and belief, ExxonMobil also states that certain documents relating to the Site were destroyed in a fire at the Site.

Please do not hesitate to contact me if you have any questions. As mentioned before, ExxonMobil intends to continue to address issues regarding the Site in the spirit of cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael A. Lamarre", is written over a horizontal line. To the right of the signature, the word "cc:" is handwritten in a lighter, cursive script.

Michael A. Lamarre
Area Manager

Cc: Kevin Vaughan
Chad W. Pekron
Dave Roberson